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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,080	09/04/2001	Junko Fukuda	213304US6	1165

22850 7590 06/13/2003

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 06/13/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/944,080

Applicant(s)

FUKUDA ET AL.

Examiner

Antonio A Caschera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities:
  - a. The phrase, "It would be convenient, even the display body is folded..." is incomplete and should read something to this effect, "It would be convenient, when even the display body is folded..." (see page 2, lines 8-9).
  - b. The phrase, "...at a position so as to be operable even the back surface of the display body is at least close..." is incomplete and should read something to this effect, "...at a position so as to be operable when even the back surface of the display body is at least close..." (see page 3, lines 1-2).
  - c. The phrase, "...so that the lens 41 can be face in a desired direction," should read something to this effect, "...so that the lens 41 can be faced in a desired direction," (see page 6, line 20).
  - d. The word "can" from the phrase, "...the user can selects a desired item..." should be omitted (see page 10, line 22).

e. The phrase, "...it will be obvious tot hose skilled in the at that..." should read, "...it will be obvious to those skilled in the art that..." (see page 14, lines 17-18).

f. The word, "as" should be changed to, "that" in the phrase, "...such changes and modifications as fall within the true spirit and scope of the invention," (see page 14, line 20).

Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: #12 of Figure 1 is not mentioned anywhere in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 1 and 3 are objected to because of the following informalities:

a. The phrase, "...information processing based on an OS program and application programs that are an operating system..." is incomplete. The office believes the phrase should read something to this effect, "...information processing based on an OS program and application programs that make up an operating system..." and will interpret this

section as such (see lines 1-4 of claims 1 and 3). A correction of the above lines of claims 1 and 3 are required to further clarify the current above language.

Appropriate correction is required.

6. Claim 8 is objected to because of the following informalities:

- a. The word, "an" should be changed to, "a" in the phrase, "...at least one processing item of an processing item..." (see line 4 of claim 8).
- b. The word, "an" should be changed to, "a" in the phrase, "...an processing item of relating..." (see line 5 of claim 8).
- c. The word, "an" should be changed to, "a" in the phrase, "...and an processing item..." (see line 6 of claim 8).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the GUI" in line 6 of claim 8. There is insufficient antecedent basis for this limitation in the claim as neither claim 8 nor dependency claim 1 recite the term, "GUI".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.S. Patent 5,341,154).

In reference to claim 1, Bird discloses a compact computer having a base with an alphanumeric keyboard and a display screen pivotally connected to the base so that it can fold inwards towards the base or pivoted into a position facing away from the base (see lines 1-16 of abstract, Figure 1 and Figure 5). Bird also discloses a first operating means operable under the condition where the back surface of the display body is close to the base by using a stylus and touch screen display (see column 7, lines 4-14). Bird discloses the stylus to be used by a user to select an item from a menu being displayed on the touch screen display (see column 7, lines 38-40). Although Bird discloses the compact computer to comprise of a microcontroller along with memory devices (see column 3, lines 52-54), Bird does not explicitly disclose the compact computer executing an OS program and application programs however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement an OS in a compact computer as it is well known in the art that computers comprise of memory devices storing an operating system, to control the entire system, and microcontrollers to execute instructions received via application programs. Further it is also well known in the art that OS programs comprise of menus to allow the user to select from a number of applications to run, i.e.

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Microsoft Windows "Start Menu." Also, Bird does not explicitly disclose a display control means for displaying a system menu showing processing items based on the operating system however again, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a display control means as it is well known in the art that computers comprise of display adapters controlling the data displayed onto a display screen.

In reference to claim 2, Bird discloses all of the claim limitations as applied to claim 1 above in addition, Bird also discloses a retractable keypad which, the office interprets, may be used under the condition where the back surface of the display body is close to the base (see column 2, lines 59-62, #40 of Figures 3 and 5). Bird does not explicitly disclose using the keypad to select a processing item to be executed from a system menu however it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a keypad to navigate and select a menu item as it is well known in the art that a keypad can also be used in a directional configuration (#8 key = up, #4 key = left, #6 key = right and #2 key = down). Further, it is also well known that a keypad consists of an "enter" key that could be used to execute a desired action.

In reference to claim 7, Bird discloses all of the claim limitations as applied to claim 1 above. Bird does not explicitly disclose the display control means canceling a display of a system menu where the first operation means is operated while said system menu is displayed however it would have been obvious to one of ordinary skill in the art at the time the invention was made to erase the menu displayed when the first operation means was operated in order to allow the user to access items which are located behind the menu or covered by the menu.

Further, it is well known in the art, in Microsoft Windows, that if the "Start Menu" is displayed

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on the display screen and the user clicks the mouse button when the pointer lies on any area other than the "Start Menu", the menu is cancelled allowing for the user to access icons that were covered by the "Start Menu." Note, the "touch" action of the stylus to the touch screen as disclosed by Bird is interpreted as substantially similar in functionality to the clicking action of a mouse button.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.S. Patent 5,341,154) in view of Nishida et al. (U.S. Patent Des. 409,583).

In reference to claim 3, Bird discloses a compact computer having a base with an alphanumeric keyboard and a display screen pivotally connected to the base so that it can fold inwards towards the base or pivoted into a position facing away from the base (see lines 1-16 of abstract, Figure 1 and Figure 5). Bird also discloses a first operating means operable under the condition where the back surface of the display body is close to the base by using a stylus and touch screen display (see column 7, lines 4-14). Bird discloses the stylus to be used by a user to select an item from a menu being displayed on the touch screen display (see column 7, lines 38-40). Note, the operation of the first operating means under a specific condition, for example photograph mode, is a matter of design choice as seen by the office as the stylus is able to touch every part of the display screen (see column 7, lines 6-8 of Bird) thus making it capable for customizing its use. Although Bird discloses the compact computer to comprise of a microcontroller along with memory devices (see column 3, lines 52-54), Bird does not explicitly disclose the compact computer executing an OS program and application programs however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement an OS in a compact computer as it is well known in the art that computers comprise



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of memory devices storing an operating system, to control the entire system, and microcontrollers to execute instructions received via application programs. Also, Bird does not explicitly disclose a display control means for displaying a system menu showing processing items based on the operating system however again, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a display control means as it is well known in the art that computers comprise of display adapters controlling the data displayed onto a display screen. Further it is also well known in the art that OS programs comprise of menus to allow the user to select from a number of applications to run, i.e. Microsoft Windows "Start Menu." Bird does not explicitly disclose a photographing case having a photographic function however Nishida et al. does. Nishida et al. discloses a laptop computer with an integrated camera attached thereto (see Figures 13-15 of Nishida et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a computer system comprising the pivotal display and operating means with a camera means attached thereto in order to allow the user to view the display screen while taking a photograph of someone/something. Further, it is well known in the art to implement this feature with video camcorders, allowing for the operator to view what the camcorder records without looking into the viewfinder (eyepiece).

In reference to claim 4, Bird and Nishida et al. disclose all of the claim limitations as applied to claim 3 above. Claim 4 is substantially similar to claim 2 and therefore is rejected under similar rationale. Further, the operation of the keypad for a specific condition, for example photograph mode, is a matter of design choice as seen by the office as the keypad is retractable, going into the side of the base, and therefore is still very accessible to the user while the back

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face of the display screen is close to the base thus making the retractable keypad capable for customizing its use.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.S. Patent 5,341,154) in view of Someya et al. (U.S. Patent 6,546,231 B1).

In reference to claim 5, Bird discloses all of the claim limitations as applied to claim 2 above. Bird discloses the stylus and touch screen to be operated by pressing the tip against the display screen (see column 7, lines 38-40). Bird does not explicitly disclose the keypad, or second operating means, to be rotated however Someya et al. does. Someya et al. discloses a communication terminal device implementing an operation key designed to be rotated, pushed or slid (see lines 1-8 of abstract of Someya et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the "jog dial", of Someya et al., that can be rotated and pushed with the compact computer of Bird in order to provide a convenient user input device creating a fast and easy way to select items in a menu, for example (see column 2, lines 31-36 of Someya et al.).

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.S. Patent 5,341,154), Nishida et al. (U.S. Patent Des. 409,583) and further in view of Someya et al. (U.S. Patent 6,546,231 B1).

In reference to claim 6, Bird and Nishida et al. disclose all of the claim limitations as applied to claim 4 above. Bird discloses the stylus and touch screen to be operated by pressing the tip against the display screen (see column 7, lines 38-40). Neither Bird nor Nishida et al. explicitly disclose the keypad, or second operating means, to be rotated however Someya et al. does. Someya et al. discloses a communication terminal device implementing an operation key

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designed to be rotated, pushed or slid (see lines 1-8 of abstract of Someya et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the "jog dial", of Someya et al., that can be rotated and pushed with the compact computer and camera design of Bird and Nishida et al. in order to provide a convenient user input device creating a fast and easy way to select items in a photographic menu, for example (see column 2, lines 31-36 of Someya et al.).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.S. Patent 5,341,154) in view of Boyce ("Microsoft Windows NT Workstation 4.0 User Manual", 1999).

In reference to claim 8, Bird discloses all of the claim limitations as applied to claim 1 above. Bird does not explicitly disclose the display control means displaying at least one item relating to an input/output setting of the information processing device, an item relating to the GUI and an item relating to operation modes of the information processing device however Boyce does. Boyce discloses a manual for Microsoft Windows NT Workstation 4.0 wherein Boyce describes the display settings of a display screen (see page 186 of Boyce). Boyce discloses the ability to access the display property sheet by right-clicking on the desktop and choosing Properties from the menu (see "Note" on page 183). Boyce also discloses the display property sheet to allow the user to set the appearance of the GUI by changing icons, colors, and wallpaper (see "Background" on page 183 and "Appearance" on page 186). Boyce discloses the display property sheet to allow the user to set the operation mode of the display monitor, selecting from display resolution, color depth and display refresh frequency (see "Settings" on page 190). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the compact computer and operating means of Bird with the display

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menu settings of Boyce in order to provide a convenient way for users to select crucial system settings, for example display settings, from a system menu.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (703) 305-1391. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached at (703)-305-3885.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

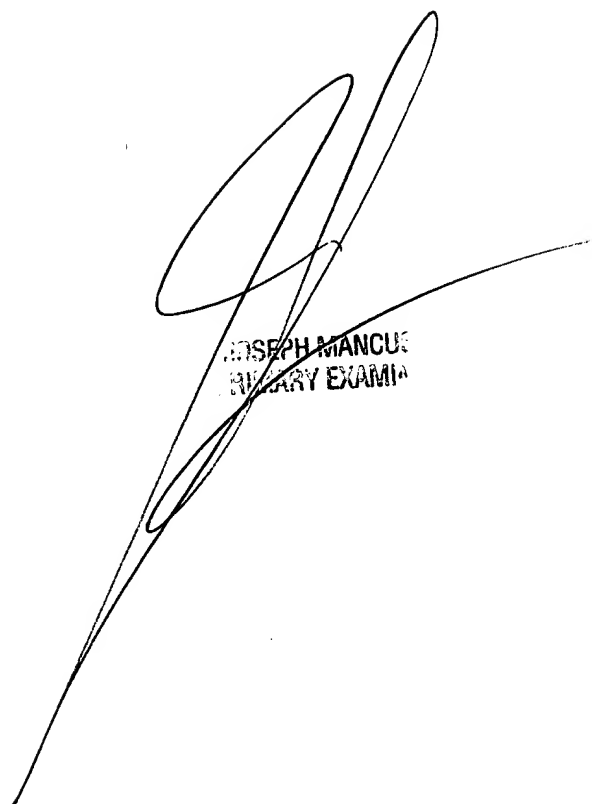
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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aac

6/4/03



JOSEPH MANCUS  
SENIARY EXAMINER